



## MINUTES

City Council Regular Meeting  
July 20, 2021 - 7:00 PM

### CALL TO ORDER

Mayor Rudy called the meeting to order at 6:59 p.m.

### PLEDGE

### ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark - ABSENT
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

### AUDIENCE PARTICIPATION

There was no audience participation.

### APPROVAL OF AGENDA

Mayor Rudy amended the agenda to remove New Business Item #4. Council Member Speer made the motion, seconded by Council Member Castle to approve the agenda as amended. The motion passed with all voting in favor thereof.

### CONSENT AGENDA

1. Approval of the July 6, 2021 City Council Meeting Minutes
2. Consideration of Ordinance Number 746-21 Amending Sections 18.05.030 and 5.08.205.B of the Evans Municipal Code to Allow Combative Sporting and Boxing Events to the Extent Such Events are Permitted Under Colorado Law Subject to a Temporary Use Permit – 2nd Reading

Council Member Castle made the motion, seconded by Council Member Mortenson to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

## NEW BUSINESS

### 3. East Side Storm Sewer Improvements Update and Consideration of Design Contract Change Order

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Mark Oberschmidt, City Engineer.

Mark Oberschmidt provided an overview of the improvements and the change order. Early in the design process for this project, the geotechnical investigation revealed that tunnelling under U.S. Highway 85 would be risky and significantly more expensive than an open cut pipe installation. The biggest risk is for potential road settlement due to the shallowness of the pipe and the nature of the soils in the area. Repair of such a settlement would be extremely costly, would create a safety issue, and would cause extended delays for travelers along Highway 85. Therefore, the design team requested a design variance from CDOT to use open cut methods to install the pipe rather than the standard CDOT-required tunnel methods. CDOT approved the variance to begin the open cut design plans. The open cut option requires additional design effort. Open-cutting Highway 85 will require rerouting of traffic around the construction zones as the construction proceeds from east to west. Temporary roads will be designed and constructed to allow two lanes of traffic in each direction throughout the construction per CDOT requirements. Furthermore, during the preliminary design phase, staff recognized issues related to the shallow depth of the sewer line on 35th Street just east of the highway. The sewer flows from east to west at that location, and outlets into the sanitary sewer line in Trinidad Street, which conveys the effluent south. The shallow sanitary sewer services pose a potential conflict with the proposed large storm sewer line to be installed in 35th Street. Therefore, staff has asked the consultant team to complete some additional topography analysis outside of the storm sewer alignment along the west side of the western lagoon berm at the old wastewater treatment plant site south to the Lift Station. Staff recommends that City Council approve the change order in the amount of \$223,010 and increase the contract amount to \$730,144, with the understanding that the design contract change order amount will be more than offset by construction cost savings.

Council Member Speer made the motion, seconded by Council Member Johnson to approve the change order to the contract with Wilson and Company in the amount of \$223,010 and increase the contract amount to \$730,144. The motion passed with all voting in favor thereof.

### 4. Consideration of Ordinance Number 748-21 Amending the 2021 Budget – 1st Reading

Removed from the agenda.

### 5. Public Hearing: Consideration of Ordinance Number 747-21, Repealing and Replacing Chapter 15.20 of the Evans Municipal Code - The National Electrical Code (NEC) - 1st Reading

Mayor Rudy opened the public hearing at 7:12 p.m.



Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Heather Utrata, Community Development Technician and Caleb Sulzen, Building Official.

Heather Utrata provided an overview of the proposed ordinance. The State of Colorado adopts the National Electrical Code (NEC) and requires jurisdictions to do the same within one year of the State's adoption. The State of Colorado adopted the 2020 NEC to replace the 2014 version. Electricians, who are licensed through the state are already working under the 2020 NEC. The 2014 NEC was adopted with several exclusions which are listed in Chapter 15.20. The exclusions to the 2014 NEC have been dealt with in the 2020 NEC and therefore, exclusions are not proposed with the City's adoption of the 2020 NEC. The attachment titled "Significant Residential Electrical Changes in the 2020 NEC" summarizes the changes to construction requirements from the current adopted code (2014 NEC) to the proposed 2020 NEC.

Mayor Rudy asked if there was anyone in the audience wishing to speak in favor of the proposed ordinance. There were none.

Mayor Rudy asked if there was anyone in the audience wishing to speak in opposition of the proposed ordinance. There were none.

Mayor Rudy closed the public hearing at 7:16 p.m.

Council Member Castle made the motion, seconded by Council Member Johnson to approve Ordinance Number 747-21 on first reading. The motion passed with all voting in favor thereof.

6. Consideration of Resolution Number 17-2021 to Approve the Weld County-Evans Intergovernmental Agreement for the November 2, 2021 Coordinated Election

Mr. Becklenberg reviewed the item as detailed in the agenda packet. At the July 6, 2021 Work Session, Council directed staff to move forward with a ballot measure regarding Police Facility funding for the November 2, 2021 election. Since the November 2, 2021 election is a state-wide election, the City would coordinate with the Weld County Clerk's office to conduct the election. This means that the County would manage all of the election operations on behalf of the City. Pursuant to C.R.S. Section 1-7-116(5) "If, by one hundred days before the election, a political subdivision has taken formal action to participate in an election that will be coordinated by the county clerk and recorder, the political subdivision shall notify the county clerk and recorder in writing." The proposed Resolution constitutes City Council's formal action to participate in the coordinated election under the terms of the proposed Intergovernmental Agreement (IGA).

Council Member Johnson made the motion, seconded by Council Member Mortenson to approve Resolution Number 17-2021 and to authorize the City Attorney and City Clerk to execute the IGA. The motion passed with all voting in favor thereof.

7. Consideration of Resolution Number 16-2021 Amending the 2021 Fee Schedule to Include Tuscany Non-Potable System Fees and Modify the Fee Charged for Collection of Unpaid Judgments

Mr. Becklenberg reviewed the item as detailed in the agenda packet. There are two fee categories contemplated in this amendment. The first is the institution of system fees for the new Tuscany Non-Potable System, and the second is amending the City's collection fees on unpaid judgments. Regarding the Tuscany Non-Potable System fees, the housing that has already been completed will be billed a monthly Tuscany non-potable surcharge for 15 years that reimburses the City for that housing type's percentage of reimbursable costs, as shown in Table 2 of the staff report. These surcharges will show up on residents' utility bills. Development that has not yet been completed will pay its portion of the City's reimbursable costs at the time of building permit issuance. Regarding the Third-Party Collection Costs, the Municipal Court refers unpaid judgment accounts to a third-party collection agency. Since September 2012, the City has used Professional Finance Company, Inc. ("PFC") as the third-party collection agency, however PFC's performance has fallen beneath expectations. To increase the rate of collection, the Municipal Court began interviewing alternative collection companies and has decided upon Integral Recoveries, Inc., a collection agency that serves numerous municipalities throughout Colorado. Whereas PFC charged a fixed fee of \$25 per account, Integral's fee is 25% of the judgment amount. To authorize the assessment of Integral's fee, the fee schedule must be adjusted.

Council Member Speer asked staff if the Tuscany fee was going on the monthly water bill. Randy Ready, Assistant City Manager responded yes for existing customers.

Council Member Neal is pleased that a solution has been reached for the Tuscany issue.

Council Member Castle has heard positive things from the neighborhood and believes that this will provide relief from the high summer water bills.

Council Member Johnson is glad to see something that is feasible for the community and agrees with Council Member Castle about the savings during the summer months.

Council Member Mortenson made the motion, seconded by Council Member Johnson to approve Resolution Number 16-2021 to amend the 2021 fee schedule to include Tuscany Non-Potable System fees and Third-Party Collection Agency Fees as described therein. The motion passed with all voting in favor thereof.

8. Consideration of Approval of 2021 Pavement Striping Contract

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Mark Oberschmidt, City Engineer.

Mark Oberschmidt provided an overview of the proposed contract. Pavement striping is the appropriate process to delineate driving lanes on arterial and collector streets. In 2020, staff worked with American Striping to stripe a large number of streets. This year there will be less striping needed so the budget has been reduced accordingly. Streets that staff identified as priority areas for pavement marking are on the maps included in the packet.



Based on the budget and the contract pricing, the City should be able to cover all of these streets identified on the maps. Some additional striping work may be done based on the remaining budget after the initial work is completed. Any such work areas will be identified by engineering department staff in areas similar to those currently shown. The 2020 Striping contract was approved with a clause for a conditional contract extension annually for up to three (3) years, that staff is recommending exercising this year for the first time. Staff has negotiated the contract to hold unit costs from the 2020 contract to increase the overall amount of striping that can be completed with the available maintenance funds. Staff recommends that the contract be approved for a not to exceed amount of \$103,623 (including a 10% contingency), based on the 2020 unit prices.

Council Member Speer asked staff about the contractor's policy for marking pavement on windy days. Last year after they striped on 37<sup>th</sup> Street by the library all the sidewalks were yellow. Staff responded that if they have not already, American Striping Company is to fix that and will be stopped from working on windy days in the future.

Council Member Castle asked staff about areas where traffic flow is slightly different, such as 37<sup>th</sup> and 35<sup>th</sup>. Staff responded that those areas that previously had dedicated turn lanes and now have shared lanes, will be striped appropriately.

Council Member Johnson agrees with Council Member Castle and stated that she has witnessed vehicles turning left into turn lanes. Staff responded that may be due to the lanes being offset and believes that turning guides may be useful at those locations.

Council Member Castle made the motion, seconded by Council Member Neal to award the 2021 Pavement Marking Project Contract to American Striping Company and to authorize the Mayor's signature on an agreement in the amount of \$94,202.50 with a not to exceed amount of \$103,623. The motion passed with all voting in favor thereof.

## REPORTS

### 9. City Manager

Mr. Becklenberg reminded Council of the Employee Luau scheduled for Wednesday and the upcoming National Night Out.

### 10. City Attorney

Scott Krob, City Attorney, had no report.

## AUDIENCE PARTICIPATION (general comments)

There was no audience participation.

## EXECUTIVE SESSION

11. To receive legal advice from the City Attorney on specific legal questions and to develop negotiation strategies related to the City's annexation plans, pursuant to C.R.S. Sections 24-6-402(b) and (e)

Council Member Speer made the motion, seconded by Council Member Castle to move into Executive Session at 7:34 p.m. to receive legal advice from the City Attorney on specific legal questions and to develop negotiation strategies related to the City's annexation plans, pursuant to C.R.S. Sections 24-6-402(b) and (e). The motion passed with all voting in favor thereof.

The meeting reconvened at 8:24 p.m.

Scott Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

#### ADJOURNMENT

The meeting was adjourned at 8:24 p.m.

  
City Clerk



#### **CITY OF EVANS – MISSION STATEMENT**

**“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”**

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.